# CAPTAIN WILLIAMS' CLUB.

Witnesses Who Did Not See It Used on Smith.

THE MAN WHO SAW IT WIELDED GENTLY.

And the Bystanders Who Did Not See the Club at All.

THE CAPTAIN'S PLEA FOR AN ADJOURNMENT.

The trial of Captain Williams, of the Twenty-ninth precinct, was continued yesterday at Police Head-quarters. The hour named for the continuance of the trial was three o'clock, but for some reason the Commissioners who are trying the case did not arrive until a few minutes before four. Commissioner Morrison, who presided, called the name of Captain Williams, and the Captain promptly answered, "Here, sir!" The room was crowded with witnesses subpunased by the Captain, and when the name of Augustus Lamont was called Commissioner Mor-rison directed that all the other witnesses in the case should retire into the School of Instruction, just in the rear of the trial room. When this order was announced there ensued a general exodus. Mr. Whitchurch, who makes the charge against Williams, concluded his case at one session by the examination of nine witnesses on Wednesday, but from the number of persons who left the trial room by direction of the Commissioner it would seem—allowing nine witnesses a day—that to hear the Captain's side of the story would occupy the best part of a week. All these witnesses were not examined, however, for the wily Captain satisfied himself with developing the care of the prosecution, examining a few witnesses whose testimony he might not be able to obtain when he is tried on the indictment against him on Wednesday, and then he claimed an adjournment until after his case is tried in a criminal court. Commissioner Morrison, the only member of the Board who voted against the adjournment, asked for by the Captain, cused him of making use of the Board for his own purposes. This imputation the Captain denied, and with technical finesse explained that he had not been "officially" notified of his indictment until ten o'clock on Wednesday night. MORE INTERESTING THAN THE FIRST DIVISION

When the bustle and noise occasioned by the de-parture of the Williams contingent had ceased Mr. agustus Lamont, a tall, dark featured Frenchman took his station in front of the desk. Mr. Whitchurch said he would like, before the examination of witnesses took place, to make an apology for the slight exhibition of temper in which he indulged on Mednesday. His apology seemed satisfactory and the examination of Lamont was proceeded with. Mr. Lamont stated that by profession he was a dentist; that he resided at No. 329 East Sixteenth street; that he was in the vicinity of Madison square on the day of the parade; that he witnessed the clubbing of Mr. Smith. This much he stated in response to questions from Commissioner Morrison, itness he was. The Captain instructed Mr. Lamont to tell the Commissioners, in his own way, what he saw of the clubbing, and Mr. Lamont proceeded to say that he went to Madison square on the day in question to see the Governor review the First division, National Guard. He had read so much in the papers, he said, about the clubbing Captain Williams that he made up his mind to watch him. The Captain nappened to be in the vicinity of Mr. Lamont, and Mr. Lamont, to use his own expres-sion, was "more interested in the Captain than in tain, and as he saw Smith either fall or get knocked

tain, and as he saw Smith either fall or get knocked down—he was not sure which—he was positive that the Captain did not use his club on Smith. Smith, Mr. Lamont swore, was ten feet away from the Captain at the time he fell to the pavement.

Captain Williams—You saw me all the time. Was it possible for me to have hit Smith from where you saw me standing?

"No," answered the witness; "you could not have hit him. I am positive you did not hit him. You could not have hit him. I am positive you did not hit him. You could not have hit him, for you were never near enough to him to do it."

Witness described the manner in which the Captain ted his club to make the crowd fall back. He declared that the Captain held the club almost in the middle and pushed it out in front of him against the people in the first row. Sometimes he had it in both hands and pushed it against the people, forcing them back. Here the Captain announced that he had finished with Mr. Lamont, and Mr. Whitchurch had finished with Mr. Lamont, and Mr. Whitchurch

in the cross-examination.

ENEW THE CAPTAIN FIVE YEARS. Under cross-examination witness stated that he had known Captain Williams for five years or more; in fact, ever since he had been put in command of the Twenty-ninth precinct. He only knew him by sight, however, and had never to his knowledge spoken to him until a few days ago.

"Has any one interviewed you concerning the testimony you were to give here?" asked Mr. Whitchurch.

h.

"answered the witness, "I have seen no one
at subject."

w oid it happen that you were made a witness

in this case?"

"Well, I saw all that happened on the square during the parade, and I read many accounts in the papers which I did not think were true, so I went to Captain Williams' station house and told him that I had seen all that happened and if he wanted my testimony I would come and give it most willingly."

To Commissioner Morrison—I saw the man fail, but did not see any one hit him at any time; I cannot tell how many men were between where I was standing and Captain Williams; am positive Captain Williams did not strike any one with his club.

A CITIZEN'S DUTY.

not tell how many men were between where I was standing and Captain Williams; am positive Captain Williams did not strike any one with his club. A CITIZEN'S DUTY.

The next witness called was a young man named Charles Cooper, who had views on the duty of citizenship. He was the only witness examined during the trial who afforded any merriment to the Court, and his arguments, on cross-examination, called forth a rebuke from Commissioner Morrison, who directed him to answer the questions put to him by Mr. Whitchurch. He answered the formal questions as to his whereabouts between the hours of four and five on the afternoon of the 15th inst, and was then requested to go on with his narrative. He stated that he resided at No. 152 Clymer street, Brooklyn, E. D., and was engaged in business at No. 213 Church street, in this city. At about five minutes to five o'clock, he said, he was standing on Madison square, almost directly opposite the main entrance of the Fiith Avenue Hotel. Just as he arrived at this point the Governor's carriage came down the svenue, and he heard Captain Williams and are the driver to get in near the curbstone that bounds the square on the west. He wished him to turn in so that his horses would head up Fifth avonue. The driver was unable to get through the crowd, so Captain Williams began to make way for him. The Captain had his club in one hand clutched near the middle, and he pushed the club against the chests or the people who were crowding like way of the carriage. He saw him once or twice reach over the shoulders of those in the front row and force people back. All this time he was shouting, "Get back!" "You nust get back there!" While this was going on witness got into the open so that he faced the crowd. As Captain Williams was also tacing the crowd with he man fell back ov staggered back almost to those in the front row and force people back, all this time he was shouting, "Get back!" "You nust get back there!" While this was falling back he lost his had, and he had no hat on when he ma

Williams when you saw what you have described?" asked Mr. Whitchurch.
"Well, there may have been half a dozen or less. I can't say."
"Where did they come from?"
"I don't know where they came from."
"If there were people between you and the Captain how could you see what he was doing with his hands?"
Captain Williams, noticing that his witness was growing nervous, ventured to remark that witness could see more than the gentleman who was examining him.

ing him.

Mr. Whitchurch did not condescend to answer the Captain, but he addressed himself to the Board. "I hope," he said, "that the Board will call Captain Williams to order and that he will be compelled to be a support of the content of the c

hope." he said, "that the Board will call Captain Williams to order and that he will be compelled to remain in order."

"The Captain is in order," said Williams, with a sarcastic smile bestowed with great impartiality on counsel and Court alike.

"The Captain will come to order," said Commissioner Morrison, "and the witness will answer the question, which is a proper one."

"If there were people between you and the Cautain how could you see what he was doing with his hands when he was driving the crowd back?" repeated Mr. Whitchurch.

"Idid not watch his hands all the time," the witness answered. "I suppose he put them down to his side when, he got through pushing."

"Where did these people who intervened between you come from?"

Witness laughed and said he did not know. The audience also laughed at this question, but Mr. Whitchurch explained to the Commissioner that he thought the witness perfectly understood him; he wanted to know the direction from which they came—north, south, cast or west?

An argument here ensued by witness, who explained to Mr. Whitchurch how he should put his questions. Mr. Morrison called the witness to order and told him to answer the question if he could. Witness said he was not generally used to being confused and he didn't intend to allow any one in court to confuse him. Commissioner Whoeler finally calmed the brewing storm by stating to Mr. Whitchurch that witness had already testified that he did not know where the crowd came from.

Witness-No. Mr. Whitchurch-Well, then, were you subposned

witness—No.

Mr. Whitchurch—Well, then, were you subpensed to-day?
Witness—No.
Mr. Whitchurch—When were you subpensed?
Witness—No.
Mr. Whitchurch—When were you subpensed?
Witness—I wam't subpensed at all.
Mr. Whitchurch—Then tell us how you come to be a witness here?
Witness—Well, I read a lot in the papers about this Smith affair and the statements of most of them were wrong and calculated to give a false impression of what happened, so I made up my mind to go to the Captain and tell him that I had seen all and was willing to testify to it.

"Had anybody spoken to you on the subject?" queried Mr. Whitchurch.

"No; no one spoke to me about it. I saw it was wrong in the papers and I thought it my duty as a man and a citizen to come up and say what I saw. I don't know much about up town, so I asked some one who did where I could find Captain Williams' station house. I was directed there, and was on my way up when I saw the Captain standing on the corner. He was standing with some of his men when I approached him, and I asked him to step aside, as I wished to talk to him. He did, and I told him I had seen everything at the parade and was willing to testify to the facts. I gave the Captain my card, and told him if he wanted me to send for me to my place of business. The next day or the day after I was going up town and I met the Captain on the street. He told me he had sent a paper to my place of business for me but I was out. He asked if I would have any objection to come here on Wednesday, and as I said 'No,' I was as good as my word, and I came here.'

After making this explanation witness was excused. As he threw his coat over his arm, preparatory to starting, he said, loud enough to be heard by those within the bar.

"Captain, when you want me again I can be found at the same place."

"The noxt witness called was Mr. D. H. McGea a

"Captain, when you want me again I can be found at the same place."

"Thank you; I'll call again," said the Captain, equally loud.

"HE TOUCHED ME VERY, VERY CENTIX."

The next witness called was Mr. D. H. McGee, a salesman from Cincinnati, now residing on Seventh avenue, in this city. He states that he was standing on the curbstone of Madison square when Captain Williams came along to make way for the Governor's carriage. The Captain called out to the crowd to "Get back!" and reaching over the shoulders of some of the crowd, the Captain, with his citub and hand, pushed witness on the chest, "very, very gently," to use his own words. Witness saw the Captain using his club, and standing up he demonstrated how he swung it. On this point the testimony of Mr. McGee was different from that of Mr. Lamont and Mr. Cooper. Mr. Lamont swore he saw the Captain take his club in both hands and press against the crowd. Mr. Cooper saw him with the club in one hand, and now Mr. McGee made motions much like those performed by a man with a sickle or a swordsman making the "low cut." After Captain Williams pushed Mr. McGee "very, very gently," he pushed some one clae in the crowd, and Air. McGee heard some one clae in the crowd, and Air. McGee heard some one clae in the crowd, and Air. McGee heard some one call out, "What are you doing? Who are you going to club?" He supposes this speech was made by Mr. Smith, but is not sure. When he had recovered from the pushing he received Mr. McGee looked around and saw a little red-headed man going to the front of the crowd. This was Mr. Smith, but whether Mr. Smith was being pushed shead or was going of his own aecord the witness did not know. The next thing of interest he remembers is seeing "Policeman 50" clubbing the said Smith. Ho saw Smith when he fell. Mr. McGee saw the man stretched on the pavement and thought he was suffering more from epilepsy than from the clubbing. Some one went to get water, for the man was bleeding; but Mr. McGee thought he was bleeding more from the fit than

wein have been hearer to me unless no got on my shoulders.

To Captain Williams—Mr. Whitchurch's condition on the day of the parade was more excited than there was any reason to be.

Commissioner Morrison—Witness will restrict himself to facts, to what he saw. These expressions of opinion will not be allowed. Let him say Mr. Whitchurch was very much excited if he will, but his opinion as to the requirements of the occasion will be stricken out.

To Mr. Whitchurch—I wrote a letter to Captain Williams, telling him that I thought the published stories were wrong, and that I would testify so if called upon; the Captain can show the letter, I suppose.

called upon; the Captain can show the letter, I suppose.

A PROBABLE DEFENCE.

From the testimony of the next witness was developed a probable defence in the criminal trial which takes place next week. Mr. McGee was very emphatic about the epileptic condition or appearance of Smith when he was on the ground, and Mr. Terry, of No. 311 Sackett street, Brooklyn, who was a witness to the affair, testified that after Smith was hit he stood for a minute or less in front of where witness was stationed—on the edge of the grass plot—held his head in his hands, stared at witness and then iell like a man in a fit. In this particular alone was Mr. Terry's testimony significant. He corroborated Cooper as to the other officer jumping in and hitting Smith on the head.

like a man in a fit. In this particular alone was Mr. Terry's testimony significant. He corroborated Cooper as to the other officer jumping in and hitting Smith on the head.

The testimony of J. D. Slattery, a coachman, of No. 34 Rose street, and Mr. Hugh J. Doran, of No. 118 West Twentict at the street, was in support of that given by other witnesses to the facts that policeman No. 50, who is Fleming, struck the man Smith with a club and that Williams did not hit him.

THE CAPTAIN MARKS A MOTION.

When Mr. Doran retired Captain Williams said he was informed on good authority that an indictment had been iound against him by the Grand Jury, and he therefore asked that an adjournment of the present case be ordered until such time as the trial of the indictment was over. "I have a dozen more witnesses," said the Captain, "but I think I ought not to be forced to produce them and develop my defence when this indictment is hanging over me. If I am found guilty on the trial the penalty that will be inflicted on me is more than the worst this Board can do,"

In answer to this motion Commissioner Morrison said he could not speak for the Board, nor could he fail to see the justice of the Captain's demand. "Unfortunately, however," said the Commissioner, "the finding of an indictment does not change the relationship existing between the Board and the Captain, on the beauty of the proper time to have made the motion was yesterday before the fire of the prosecution had been drawn. The trial here did not begin until one o'clock, and I am informed that the indictment was yesterday before the fire of the prosecution had been drawn. The trial here did not begin until one o'clock, and I am informed that the indictment was yesterday before the fire of the prosecution had been drawn. The trial here did not begin until one o'clock, and I am informed that the indictment was yesterday before the fire of the prosecution had been drawn. The trial here did not begin until one o'clock, and I am informed that the indictment was found at n

However, I do not speak for the Board, but only for myself."

The Captain, in response, to this, said he had not been "officially" informed of his indictment until ten o'clock on Wednesday evening. "I certainly could not inform this Board that I had been indicted when I heard nething but the rumor of the Grand Jury's finding, and besides I did not ask for the adjournment, for I wanted to get the testimony of some of these witnessee whom I might not be able to find on the trial."

"In other words, you did not scruple to use the Board to your advantage," remarked Mr. Morrison. The question was finally put to the Board, and the clerk called the names of the members. Commissioners French and Wheeler voted "Yes," Mr. Morrison. "No," and the next hearing was set down for one o'clock next Thursday afternoon.

## WAS HE DROWNED?

The Portuguese schooner Mariana V, now anchored The Portuguese schooner Mariana V, new anchored sioners, he imitated the action of the clubber. He raised his right hand and struck an imaginary head with a hypothetical club, saying, "This is hew he did it." He also demonstrated on the Captain's chest how the pushing was done. The idea conveyed by the illustration was not one of gentieness, and the incident would probably have been reyed by the illustration was not one of gentieness. To Commissioner Morrison—I am confident that Smith had his hat on when Captain Williams shoved him.

To Commissioner Morrison—I am confident that Smith had his hat on when Captain Williams shoved him.

Mr. Whitchurch had quite an exciting time with this witness when he took him in hand, for the witter witness when he took him in hand, for the witter witness when he took him in hand, for the witter witness when he took him in hand, for the witter witness when he took him in hand, for the witter witness when he took him in hand, for the witter witness when he took him in hand, for the witter witness when he took him in hand, for the witter witness when he took him in hand, for the witter witness when he took him in hand, for the witter witness when he took him in hand, for the witter witness when he took him in hand, for the witter witness when he took him in hand, for the witter witness when he took him in hand, for the witter witness when he took him in hand, for the witter witness when he took him in hand, for the witness when he took him in hand, for the witness when he took him in hand, for the witness when he took him in hand, for the witness when he took him in hand, for the witness when he took him to have a transfer of the disappearance of a United State Custom House officer. Mr. T. Rogers, who is or was a tallyman in the Custom House scheer, Mr. T. Rogers, who is or was a tallyman in the Custom House officer. Mr. T. Rogers, who is or was a tallyman in the Custom House scheer. The cargo of the disappearance of a United State Custom House officer. Mr. T. Rogers, who is or wa MAPLESON'S ORCHESTRA.

BARON MARETZER CONTRASTED WITH "HER MAJESTY"-JEALOUSY OF CARLBERG AND DAMROSCH-MAPLESON'S VIEWS OF THE SITUATION.

Tremendous excitement prevailed yesterday in that select musical (and more especially operatic) circle embracing the Academy of Music, Thiess' lager beer garden, opposite; Leuto's beer salcon, on Fourteenth street, near the corner of Third ave nue; the region around the Belvidere Hotel and other neighboring centres of the grand orchestral strife raging between Colonei J. H. Mapleson, of Her Britannic Majesty's Opera and his rebellious orchestra. The battle was flercest at Leute's beer saloon, which is the great rendezvous of the Academy musiclans, and where rows and rows of foaming glasses indicated that the orchestra were now celebrating their pecuniary victory over the doughty Colonel. Here sat ponderous, heavy-bearded Germans, with deep guttural voices, holding a high carnival of words. The subject was, of course, the galiant Colonel and the "compromise" concluded in the morning, by which he had bound himself to pay all the members of the orchestra \$7 a night, irrespective of the number of nights per week on which they should play. There were in the saloon not only members of the orchestra but also ex-members, and the latter appeared to take the side of the British impresario, holding that when the members had once signed their contract with Mr. Mapleson they had no right, under any circumstances whatever, to

"Die Herren haben sich gottstraffich blamirt," said one German ex-member, who was playing cards, in a deep bass voice that sounded like a small or chestra, "they signed the contract and got no busi-

"BARON MARETZEK" VS. HER MAJESTY.

This position was warmly contested by another ber, who brandished in his hand a schooner of lager and waved aloft (in a Pickwickian sense) the banner of Baron Maretzek. "I just want to tell you that Baron Maretzek always paid his musicians a good deal more promptly than Her Majesty does. Just put that in the HERALD, will you? I tell you Her Majesty Mapleson isn't the man Baron Maretzek is. Gott verdamn, mich noch 'mal, the HERALD had just the nicest point the other day in an editorial showing that Her Majesty had better give us something for the money she gets. Baron Mar-tzek used to give better operas for fifty cents than Her Majesty does for \$3 50. Da hol mich der Teufel, wann das nicht ein Hunde skandal ist! This opera ain't worth over fifty cents,

NOT A "SPITZBUB." Thus the war of words went on, while the n bers of the orchestra present who have been perbers of the orenestra present who have been per-sonally engaged in the contest appeared to be very little inclined to talk. One of them, however, Herr Schussel, took up an afternoon paper, in which it was stated that Mr. Mapleson had, during the morn-ing reheared, called them to their faces "a set of un-mitable racels."

ing rehearsal, called them to their faces "a set of unreliable rascals."

"Do I look like a rascal? Seh ich wie ein Spitzbub aus?" this member, one of the violnists of
the orchestra, queried, with injured dignity. "I
was there, but I heard nothing of the kind. He
wouldn't have dared to use such a word."

"What is there in this row?" the Herald's envoy
to the seat of the orchestral war queried.

"I'd rather say nothing about it," Herr Schussel
replied. "Let the others fight it out themselves.
All I want is my money, and I got that this morning."

"I'd rather say nothing about it, the contast replied. "Let the others fight it out themselves. All I want is my money, and I got that this morning."

It hen appeared from the statements of the other members that in the morning the orchestra was paid for a full week's work (six performances) supposed to have ended on Saturday last after the matinies, when they had only played four times, and that beginning with Monday last they are all to be paid alife—\$7 per performance—with which arrangement they seemed to be well satisfied.

"Our money was due us last Saturday," said another member, Herr Heincke, the trumpoter, "zum Teurel noch einmal, Mr. Mapleson has repeatedly broken his sarcements with us. A week ago last Monday we notified him that the society would not allow us to play on the terms of our contract. He then acceded to our demands, and we expected our money first on Saturday, then Monday and then Tuesday, and when he finally offered us our pay we found he had broken his pledge and would not do as he had agreed to. Under these circumstances we refused the money and refused to play last night until the full amount promised us by Mr. Mapleson was again guaranteed by him."

Mr. K. M. Botstord, the trombone player, who at the same time acts as Mr. Mapleson's agent in engaging musicians, gave the writer a succinct poitome of the difficulty, which may prove of value to the future historian of New York operatic discord.

"Previous to the departure of Mr. Mapleson declared that no manager could carry on opera successfully when the orchestra alone cost him \$50,000 for the season. I told him that I did not believe the society would consent to a reduction of the pay, but finally he got some blanks of his London centracts with the orcnestra, and \$35 a week for the first and \$30 a week for the second instruments was agreed upon in performances were less in number, the amount to be reduced in proportion. He insisted upon having these contracts signed by the members of the or

caestra, and \$35 a week for the first and \$30 a week for the second instruments was agreed upon in performances to constitute a week and, if the performances were less in number, the amount to be reduced in proportion. He insisted upon having these contracts signed by the members of the or-chestra, and twenty of them did so before he left for Europe. The others were engaged by me during the summer and also signed.

"Then the orchestra were satisfied with the pay agreed upon?"

"Perfectly so, and not a word would have been said on the subject but for the hoatile feeling of certain concert organizations led by such men as Damrosch, Carlberg and others, who do not like to see the opera a success, because they consider it injures the prospects of their concert operations, and whom nothing would give greater delight than to hurt the opera season or to break it up altogether. These men insigned certain members of the society to make formal complaint as to the infraction of the law regulating the pay of the musicians, and the society was compelled to take notice of it and to warn the orchestra that another violation of the rule would bring upon their heads the penalty of expulsion. Now expulsion from the Union means banishment from New York, for of the 1,500 good musicians in New York, for of the 1,500 good musicians in New York, for of the 1,500 good musicians in New York, for of the 1,500 good musicians in New York, Indicated the would be plays with a non-Union man. Mapleson of course insisted that the musicans should carry out the contracts they had signed, and simply said, 'I have nothing to do with your society.' Still the orchestra would not yield, for while the men would all have been glad enough to carry out the contract they did not dare to risk expulsion from the society.

"A week ago last Monday it came to the sauthorized me to tell them that it was 'all right' well, 'all right' is a very easy word to say, you know, but that word meant to them that they would get their salaries in full for a week of six per

per performance, so that when they only play four times they will only receive \$28 a week."

MAPLESON'S DILEMMA.

"Is it true that Mr. Mapleson can get the Philharmonic or some other first rate band?"

"Why, no," was the laughing reply, "we are the Philharmonic. These men are nearty all members of the Philharmonic and other leading organizations. Mr. Mapleson cannot get any other orchestra of first rate musicians."

"Not even from another city?"

"No, because they have unions in Boston, Philadelphia and all other leading cities, and all these unions fraternize with each other."

"Then if the Union would put up the price to \$50 per night for eigh man Mr. Mapleson would have to pay it or give up opera?"

"Exactly so; the Union is so powerful that it can enforce anything it asks. It's a close corporation, for every first rate musician belongs to it."

Colonel Mapleson was found yesterday at the banking house of Mr. B. T. Musgrave, one of the leading directors of the Academy, who combines with the placing of great city loans the most ardinous labors in behalf of Italian opera as well as a reientless and bitter war against Professor Chandler and uptown nuisances. Whenever there is trouble in the operatic camp the impresario files to Mr. Musgrave, whom he calls "the operatic saviour," and who devotes much of his time and attention to the success or the Academy. The gainant Colonel appeared to be in excellent spirits, despite all his troubles, and his beaming countenance shone with its habitual rosy glow.

"Ambre is sick in bed," said he, "and can't sing

Brooklyn performance I arrive at the Academy and Arditi teits me that the orchestra are under the stage like rats and won't come out to play. Then I call them together and ask, 'What is the new complaint' (Dramatically)—Dead silence. I repeat the question. (Pathetically)—Again, dead silence. Arditi says to me in Italian, 'What a cowardly lot of fellows!' One of the players finally mustered up courage and spoke up. He said that the premised extra pay had not yet been received. I told them that I thought I was certainly good for those pairty few dollars, for in the twenty-five years that I have been manager I defy a living soul in the universe to say that I ever failed to pay any obligation I had contracted.

been manager I dety a living sout in the universe to say that I ever failed to pay any obligation I had contracted.

"I said, This is the first unpleasant word I have ever had occasion to say on this stage, and while I regret to use such unparliamentary language I must tell you that you are simply a set of blackguards! They then resumed fidding. I said:—'You've got me into a corner and I'll concede your demands, but I'll get it all baca from you.' One of the men visited me afterward and told me that the majority wanted to stick by me, but that the majority wanted to stick by me, but that the majority wanted it:—'I don't believe it. I told you that if you would stick by me and work according to contract rather than see you left in the luren without a place by the society I would hire you all, and might even take you abroad with me to Her Majesty's. One might expect that musicians would have some decemey, but you care for nothing but the base dollars and cents. You had five months in which to notify me of any dissatisfaction with your contracts. You have played faise with me, and last night, after giving me to understand that you would stick by me, you did what was equal to placing a pistol at my head and robbing me. Here is your pelf! Write me out a receipt for extra pay. I give it to you under protest. Mind you, I'll get it all back from you, for I have the law on my side. I have done with you. I'll discharge you all.'"

"The upshot of all this will be that I'll discharge the whole lot and get a new orchestra, composed of much better players. Why, the flute players did not play last night, after all. I shall begin proceedings against them first, and against the rest afterward, and will have them all put in jail, if possible, and make an example of them. Such extertion as these men practise would not be tolerated in Zulnland. They cannot be trusted, and they must be r-moved—all of them. I believe the public will be with me, even if I am connecled to appeal to it, and use two grand pianos until I can organize a n

to disappoint the public and give them a brilliant season of opera."

RETICENT ACADEMY DIRECTORS.

This closed the interview with the impresario. The views of the leading stockholders and directors of the Academy were sought, but could not be obtained. Mr. Musgrave, who was very much preccupied with business, preferred to express no views on the affair. Mr. Belmont was out of town. The other directors were also thoroughly reticent. The feeling underlying this marked reticence manifestly was that any continued discussion of the unfortunate incident would only cast a cloud over the prospects of the opera season, whose brilliant success they all had evidently deeply at heart.

MR. MAPLESON'S DENIAL. ACADEMY OF MUSIC, Oct. 29, 1879.

TO THE EDITOR OF THE HERALD:—
My attention has been directed to a paragraph in this evening's Telegram headed "Trouble at the Opera." I need hardly state that the paragraph in question is totally devoid of foundation and it would, in my humble opinion, have been better had the Telegram reporter first troubled himself to ascertain the truth of the statement he alleges he obtained from "one" of the musicians. I am, sir, your obedient,

OPERATIC REMINISCENCES ..

NEW YORK, Oct. 28, 1879.

TO THE EDITOR OF THE HERALD:—
In your very interesting editorial of yesterday on operatic matters you make the statement that the present company of Colonel Mapleson, at the Academy of Music is, "taken as a whole, superior to any we have before enjoyed in this country." To my mind we have often had as good and sometimes better from a purely artistic point of view, and when the prices of seats are taken into consideration, why, "comparisons are odious." In 1852 at Castle Sarden "comparisons are odicus." In 1852 at Castle Sarden we had Bosto, Steffanone, Tedesco, Salvi, Bettini, Marini, &adjait, Benaventano, Colletti, and others, for fifty cents! Later we had Medori, Keltogg, Sultzer, Mazzoleni, Anastasia, Bellini, Biacchi, Antonucchia, dec., tor \$1 and \$2, when gold was 240. And still more recently, when the prices were raised to the present standard (\$3 50 for a secured seat), we had the privilege of listening to a Nilsson or a Lucca with a supporting company composed of some of the very artists now with Colonel Mapleson, and others fully as good. So I think to put the thing on a money basis entirely we have had many more satisfactory seasons than the present one. I remain, yours very truly,

## ENCHANTING THE LUNATICS.

Mr. E. G. Gilmore, the manager of Niblo's Garden, conveyed the entire "Enchantment" troupe now performing at his theatre to Blackwell's Island yesterday afternoon for the purpose of giving a special entertainment to the inmates of the Lunatic Asylum. The performers numbered 125 persons and included the principals and the entire chorus and orchestra. The programme was arranged by M. Bolossy Kiraify, and the performance took place in the hall generally used as a place of amusement for the unfortunates on the island. To a considerable extent the programme was a musical one, the selections being from "Fatinitza" and other popular operas and the most striking of the "Enchantment" melodies. The singing was by Mr. Seville, Mr. Campbell, Miss Amy Lee, Mass Greville and a chorus of twenty voices, and the effect was both novel and grotesque. Many of the immates of the asylum were moved to tears and others indulged in long continued and irrepressible laughter. On the whole, the audience, which nurbered about four hundred of the immates of the asylum were moved to tears and others indulged in long continued and irrepressible laughter. On the whole, the audience, which nurbered about four hundred of the immates of the asylum, behaved like an ordinary gathering in a regular theatre, although there were isolated instances of applause too long continued on the part of some of the particularly delighted spectators, and it was noticed that when the Occanestes played popular melodies many of them kept time with their hands and feet. The Davene family appeared in a little pantomime and the Rinaldos were received with shouts of applause, but "Young America" came near creating a stampede by his realistic imitations of a monkey. For an instant there was quite a stir among the lunatic audience. Some of them clutched their keepers spasmodically and about twenty of them rose to their feet. Only the want of capacity to think in concert, if at all, prevented a panic. The Rajade Troupe had gone over to the Island to give their eccentric feats on stifts, but the effect produced by the appearance of the "man monkey" induced Dr. W. W. Strew, the resident physician, and the Commissioners from the half of the workhouse, where addresses were made by the Commodore Tooker, however, gave it as his opinion as an expert, based upon long experience, that a stampede among lunatics with orchestra. The programme was arranged by M. Bolossy Kiralfy, and the performance took place in

## THE KNIFE AMONG BOYS.

A LAD OF SIXTEEN YEARS INFLICTS A DANGER-OUS WOUND ON A COMBADE.

A stabbing affray, which at present looks as if it would result in the death of one of the parties con-Milesson's Dilemma.

"Je it true that Mr. Mapieson can get the Philharmonic or some other first rate band?"

"Why, no," was the laughing reply, "we are the Philharmonic. These men are nearty all members of the Philharmonic and other leading organizations. Mr. Mapleson cannot get any other orchestra of first rate musicians."

"Not even from another city?"

"No, because they have unions in Boston, Philladelphia and all other leading citics, and all these unions fraternize with each other."

"Then it the Union would put up the price to \$50 per night for eigh man Mr. Mapleson would have to pay it or give up opera?"

"Exactly so; the Union is so powerful that it can enforce anything it saks. It's a close corporation, for every first rate musician belongs to it."

Colonel Mapleson was found yesterday at the banking house of Mr. B. T. Musgrave, one of the leading directors of the Academy, who combines with the placing of great city loans the most ardnous labors in behani of Halian opers as well as a reientiess and bitter war against Professor Chandler and uptown musances. Whenever there is trouble in the operatic saviour," and who devotes much of his time and attention to the success of the Academy. The gariant Colonel appeared to be in excellent spirits, despite all his troubles, and his beaming countenance shone with its habitual rosy glow.

"Ambre is sick in bed," said he, "and can't sing Traviata' in Brocklyn to-night, and I have just been giving an hour's lesson to Adini to appear as Leonera in Trovatore—which we may have to give instead—a rôle she has never sung before. Well, after running about trying to arrange for the Well, after running about trying to arrange for the Well, after running about trying to arrange for the Well, after running about trying to arrange for the work of the care was a decidency of the place of the result of injures. cerned, took place yesterday morning in the American News Company's building in Chambers street.

## MINISTER HAYDEN'S CASE

Questions of Medical Science Considered.

A DOCTOR'S EXPERIMENT

Arsenical Effects Upon Live and Dead Stomachs.

#### 'BLUFFING" A PROFESSOR.

The Hayden trial to-day was marked by a change in the character of the testimony, from arsenic, its crystalline structure and kindred points which have occupied the time for more than a week. The jurymen doubtless know as much on this particular point as they can ever hope to either remember or comprehend, and the spectators have been wearied with the flood of scientific information to which they have been subjected. One of the most important points made by the prosecution is that although Hayden bought arsenic on the day of the tragedy he said nothing about it openly until after it was known that the authorities were to exhume and analyze the body of the murdered girl for poison. The State to-day produced another point having a relative importance. That is, that before Hayden stated this fact he had been advised that his premises had been searched by a deputy sheriff: and it was known to him that, while the house and a shed had been searched, the barn had been overlooked. A few days later Hayden told of the arsenic and where it was to be found in this barn. The State endeavors to show that this is a suspicious circumstance, while the defence claims that Hayden revealed nothing about the poison because he had no opportunity to do so until he went on the witness stand. The druggist who sold the arsenic to Hay den was called, but failed to positively identify him. However, it may be stated that the defence admits the fact of the purchase. One of the most impor-tant questions raised during the trial occurred, when Professor White, of Yale College, was on the stand; that is, whether physicians making a post-mortem examination may be forced, in the interests of justice, to reveal the identity of the dead person This is usually a professional secret, and secrecy is very often a condition imposed by relatives or friends. Chief Justice Park decided this afternoon that Professor White must answer any questions if the defence insisted. The point has been passed over until to-morrow to wait a conference by Hayden's counsel on a proposition by the State to save witness from embarrassment by withdrawing all evidence relating to the experiments on the two human stomachs with arsenic.

THE SECRETED ARSENIC.

The first witness of the day was Deputy Sheriff Hull, who arrested Hayden on the Friday following the tragedy. He testified to searching Hayden's house and that there were several closets in it. The defence entering an objection, Judge Harrison said that he proposed to show that the statement by Hayden at his preliminary trial, that he put the arsenic bought on the morning of the murder in his barn because he had no safe place in the house, was untrue, because there were closets there with high sheives. The Court ruled the evidence admissible as throwing weight on the whole subject, but on the defence asking that the objection be noted the State withdrew the question, in its nature of contradicting Hayden's testimony and put an original question as to the existence of the closets. Witness, continuing, said that there were sev eral closets where arsenic could have been kept safely. edge, about having any arsenic or where it was secreted until after he knew that witness had ransecreted until after he knew that witness had ransacked the house in search of ovidence, and also a
woodshed. Then, in his (Hayden's) testimony he
said that he had bought arsenic and hid it in his
barn, and that same evening his counsel sent a
triend to obtain the package. On cross-examination
Hull admitted that no opposition was made to his
searches of Hayden's house the atternoon of
the arrest; that Mrs. Hayden handed him
the clothing worn by her husband on the
day of the murder—a striped shirt and a pair of
worn working pantaloons. Hull was interrogated
at considerable length as to his motives in going to
the house and searching, and claimed that he went
there mainly at the request of the prosecuting
officers. During this questioning Hayden and his
wife both drew their chairs up close to the attorney,
and conferred frequently with the three heads together.

wife both drew their chairs up close to the attorney, and conferred frequently with the three heads together.

THE MIDDLETOWN ERUGGIST TESTIFIES.

George A. Tyler, the Middletown druggist, was called to identify the purchase of arsenic by Hayden and said, substantially:—"About the list of September, 1878, I sold some arsenic to a person who came in and asked for fuller's earth and also for an ounce of arsenic to kill rats; I did not know the person, but I remembered the transaction; I know Mr. Hayden now, but did not then, by name.

"Is that the person who bought the fuller's earth and arsenic?" asked Judge Harrison, as he waved his hand toward Hayden.

Tyler and Hayden gazed steadily into each other's eyes for a moment, and Tyler replied slowly, "I can only say that the person resembled him closely, but I cannot say positively that he is the man."

Continuing, witness said that the hour was between eight and ten A. M. (Hayden admits being in Middletown at this time), and after completing the purchase the person left the store and was seen a moment later on the sidewalk conversing with Dr. Bailey. (The latter had formerly been Hayden's iamily physician and friend.) The bottle from which the arsenic was taken was produced by Tyler at this point and was regarded with interest, for it has been a subject of frequent reference and controversy all through the trial. It is of common light green glass, about eight inches high and three in diameter, with a wide mouth closed with a common cork, and on one side was a label, in a large, scrawling hand, "Arsenic—Poison." This jar, witness said, held one and a half pounds, and was the only one that had been in use in the store for three years or more. About a month after the saie to Hayden witness soid arsenic from this jar to A. G. Colgrove. There was less than an ounce in the jar, and the bottom and sides were scraped to get out all possible.

On cross-examination witness said that the bettle

Colgrove. There was less than an ounce in the jar, and the bottom and sides were scraped to get out all possible.

On cross-examination witness said that the bottle had been used for years and many pounds of arsenic had been sold from it—arsenic obtained from different wholesalers. Counsel, taking the bottle, inverted it and rapped it on the desk. A few grains of arsenic feel out on a piece of paper, which was handed to Tyler.

'Now, was that arsenic put into that bottle a year ago or ten years ago?'

"I don't know, sir," was the reply.

Counsel rejoined triumphantly:—"Ah! I thought so. The point of this is that Hayden bought from nearly the full bottle, and Colgrove the last of the contents, or scrapings. Hence it is claimed that the latter may have even of a dozen old lots, and could not, therefore, fairly be used for identifying the Hayden arsenic by comparison." Witness continuing, said it was customary to buy ten-pound packages, and the bottle was filled whenever its contents were nearly exhausted; it costs between seven and eight cents per pound and is sold at ten cents an ounce.

"Pretty good profit!" exclaimed Mr. Jones.

ages, and the bottle was filled whenever its contents were nearly exhausted; it costs between seven and eight cents per pound and is sold at ten cents an ounce.

"Pretty good profit!" exclaimed Mr. Jones.

After some farther testimony as to Tyler's practice in wrapping arsonic, given by Deputy Sheriff Hull, who purchased at his store a sample for the State, Tyler was recalled and flatly contradicted Hull's statement as to the place in the store where the arsenic jar was kept. This point was wrangled over for half an hour, until the Chief Justice finally remarked, "It seems to me that you have spent about time enough on this matter."

ENPECTS OF ARSENIC.

Dr. P. A. Jewett, who assisted at the post-mortem examination of Mary Stannard's body, was recalled, and detailed the several operations performed and the removal of the stomach, liver and other viscera. The stomach appeared to contain fluid rather than solid matter, and about half a tumblerful. The arsenic found in the stomach, ninety grains, is about a teaspoontul, and could have been washed down by two or three swallows of water. It could, easier than flour, without any water, because arsenic is an irritant, and would produce in the mouth sufficient saliva to carry it down the throat. It would go in a mass, as this arsenic was found. Arsenic produces in the stomach irritation and inflammation; the latter would be evident in from twenty minutes to a couple of hours. There would be a determination of blood to the part; the small blood vessels of the stomach would be engorged and a reddish color would be produced. There would be redness not only where touched by the arsenic bur radiating therefrom. Upon the membrane of a dead stomach the medical authorities say arsenic will produce red and brown spots, but circumseribed and not extending much beyond the piace of immediate contact with the piace in a dead stomach at least twenty-four hours after than the arteries. The poison must be placed in detail the examinations of the stomachs experimented with that Profess

of the post-mortem examination September 11, eight days after death, and also the removal of some of the internal organs in Marca following. The absence of the heart and one of the kidneys was accounted for by disintegration. He corroborated the testimony of Dr. Lewett as to the respective effects of arconic introduced into a human stomach before and after death, and also as to the condition of some and after death, and also as to the condition of the stomachs and took it to Johnson, who inserted ninety grains of arcenic and a gill of water. This was placed in a glass lar, and when opened a mouth later the inner conting presented an appearance very different from that of a stomach into which arcenic was introduced during life. Defence objecting to witness testifying to all the conditions of the treatment of Mary Stannard's stomach, some of which he could not have personally known, he stated a hypothetical case embracing exactly the same conditions and results of the introduction of arsenic. Upon these, as an expert, he was satisfied that the same and the

doubtedly treat this matter with great delicacy, and if you don't wish to answer, why, you can appeal to the Court.

Mr. Watrous asked, "Where did you first see one of these bodies?"

Professor White—I decline to answer.
Chief Justice Park—If the counsel insists you must answer the question.

Mr. Waller—I would prefer that all the State's evidence regarding the experiments on the two stomachs be expunsed from the record than that the revelation asked be compelled. The jurymen are intelligent and could consider the case without reference to it.

Mr. Jones—But will you bring in other stomachs later?

"No, sir," replied Mr. Waller.
Mr. Watrous—Theoretically this offer covers the ground, but as a matter of fact the evidence has gone to the jury from several experts, and now we have got around to a man who knows the conditions of the deaths, the contents of the stomachs and the surveillance over them after their removal. If we can, consistently with our sense of duty, let the two stomachs pass out of the case for the consideration suggested, we will, for we do not intend that in our zeal we shall be an agency to wound anybody's feelings or injure the cause of science. We will pass over the point temporarily, and decide by tomorrow what course to pursue.

After some further questioning as to the causes of inflammation of the stomach from other causes than arsenic, the Court adjourned.

THE SEA KING MURDER.

SENTENCING THE PRISONERS-ONE TO DEATE AND FOUR TO IMPRISONMENT. PHILADELPHIA, Oct. 30, 1879.

Despite the efforts of counsel this morning in the United States Court the sailors convicted of the der of Charles D. Brooks, mate of the Sea King, were victed of murder, was sentenced to be hanged on the 30th of next January; the four other prisoners to

various terms of imprisonment.

The arguments on behalf of the prisoners were The arguments on behalf of the prisoners were regarded as more than usually able, Mr. Ford argued the motion for arrest of judgment and the granting of a new trial on the ground that the bill of indictment was faulty. He excepted to the bill because the counts are drawn after the form described in the Pennsylvania statutes and not under the common law form; because they do not aver that the Reaking is an American ship; because the counts do not aver that the mortal wounds were given with a particular instrument, nor is it averred that the assault was "feloniously, wilfully and with malice afore-thought." Other reasons were advanced, but these were the principal ones. Argument took place on the matter, but the Court overfuled the motions, and then District Attorney Valentine asked that the prisoners be sentenced.

DEATH FOR JACOBSON.

After a solemn pause Judge McKunnan pronounced the gentence of death upon the prisoner in a very impressive manner.

While the sentence was pronounced the court room became very still and the solemnity of the proceedings impressed itself on all present. The Judge's voice became husky and he was compelled to wipe his eyes several times.

SENTENCING HIS ACCOMPLICES.

The other prisoners were then brought in and Judge fluter imposed upon them the following sentences:—Carl J Granfoos and John Clark were sentenced to pay a fine of \$500 and an imprisonment of eight years; Peter Rasmissen. a fine of \$500 and six years' imprisonment.

PATERSON'S MYSTERHOUS MURDER regarded as more than usually able, Mr. Ford

### PATERSON'S MYSTERIOUS MURDER The murder of George Martin Fuchs, at Paterson

N. J., on Tuesday night, of which the particulars appeared in the Henald yesterday, proves upon further investigation to have been a most heartless and wanton affair. Several other persons have been discovered who saw portions of the occurrence, and from their disjointed narratives the following new facts have been elicited;—Three young men, about nineteen of twenty years of age, were first seen holding Fuchs on the sidewalk and beating him. One of the party seemed to be especially diligent with his first and this one, when the other two had stepped to one side, sprang about four feet into the street, and, drawing a revolver, fired three shots in rapid succession at the old man. The latter then walked into his house, and his three assailants ran down Ward street, while the man was still firing one of his companions cried out, "Christ, he is shooting him!" and at once started off on a run, but the other two soon caught up to him. The only witness to the whole affair was Charles Carl, who had just returned to his home, nearly opposite to where the tragedy occurred. Mr. Carl says he thought that some young roughs were annoying the old man and firing blank cartridges at him to frighten him, and as the latter walked into his house and closed the door, he thought no more of the matter. Mr. Carl has furnished the police with a partial description of the clothing and general appearance of the men, and avers that none of them was over twenty years of age. The police are busily following up various clews, but no arrests have yet been made. The inqu st in the case was hold by Coroner Hurd yesterday afternoon, and adjourned to meet at the call of the Coroner. The facts, which appeared in yesterday's Healalb, were sworn to and Mr. Carl made his statement. The hatter is creating considerable excitement in Paterson, as this is the third murder within a few months in which the perpetrators have not been brought to justice. and wanton affair. Several other persons have t

## NOT A NOBLEMAN.

In an account in yesterday's HERALD of the arrival in this city of Frederick Bodenstedt (Mirza Schaffy), the famous poet, was inadvertently alluded to as a count. So tar from wearing a title of any kind the aged German has always been a sturdy "democrat." His journey in the East was made in company not with a son of the King of Bavaria, but with the King of his country in the King of Bavaria, but with the King of his country in the King of the King of Bavaria, but with the King of the King of Bavaria out with a son of the King of Bavaria, but with the King of Bavaria out with a son of the King of Bavaria out with a son of the King of Bavaria out with a son of the King of Bavaria out with a son of the King of Bavaria out with the King out with the King out with the King of Bavaria out with the King out